



Attorney Docket No 57761.000124  
 GE Docket: 03GP-8028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Inventors: John Andrew Leonard	)	Group Art Unit: 2153
	)	
Serial No.: 09/722,049	)	Examiner: Yasin M. Barqadde
	)	
Filed: November 27, 2000	)	

For: METHOD AND APPARATUS FOR INTERFACING A LAN TO A DRIVE

**REQUEST (APPLICATION) FOR RECONSIDERATION OF PATENT TERM  
 ADJUSTMENT**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit a Request for Reconsideration of Patent Term Adjustment along with the Submission of Issue Fee for the above-identified patent application (the "Application"). In accordance with 37 C.F.R. §§ 1.702, 1.703 and 1.705, Applicant respectfully requests the Commissioner to reconsider the patent term of the above-identified invention to compensate for the Assignees' time lost due to examination delay in the U.S. Patent and Trademark Office (the "Patent Office").

In accordance with 37 C.F.R. § 1.703 (a)(1), "Period of Adjustment of patent term due to Examination delay, the number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first".

A timeline of the application is included in Attachment A.

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The resulting delay between the fulfillment of the requirements of 35 U.S.C. 371 and the mailing of the first Office Action was over fourteen months by 696 days. The first Office Action was mailed December 24, 2003 which was a delay by the USPTO by 696 days.

Applicant fulfilled the requirements of 35 U.S.C. 371 on 06/24/2004 by filing a response to the Office Action mailed December 24, 2003 along with a Petition for Three-Month Extension of time which was a delay by the Applicant of 92 days.

A non-final rejection was mailed November 5, 2005 which was a delay by the USPTO of 12 days.

On May 5, 2005, Interview Summary was sent from Examiner Scott M. Klinger indicating that a new Office Action would be mailed to replace Non-Final Rejection sent on November 5, 2004 and effectively withdrawing the issued Office Action (associated with various communications (see attached Prosecution Timeline));

On February 26, 2007, a Communication from the new Examiner was mailed, advising Applicant to now respond to the previously withdrawn Office Action, i.e., a Notice of Restarted Response Period.

On March 26, 2007, a response to the communication mailed 02/26/2007 was filed. The USPTO did not restart the Period but charged the Applicant 779 days of delay. The 779 days of delay should be reduced to 0 days.

Accordingly, Applicant submits that the term extension should be 616 days, and not the 0 days as indicated on the Determination of Patent term Adjustment.

Applicant respectfully requests that the term of the Application be extended to 616 days to compensate for the PTO examination delay. In order to correct the examination delay and to protect the Assignees from unnecessary loss of patent rights as a result thereof, the Applicant respectfully requests the Honorable Director to exercise the power granted under 37 C.F.R.

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§§ [1.182 and 1.701] to extend the benefits of 37 C.F.R. [1.702] to this application, and that the term of the Patent issued for the Application be extended in accordance with 37 C.F.R. [1.705].

On the basis of the foregoing, the Applicant respectfully requests the granting of this Request for Reconsideration of Patent Term Adjustment.

This patent is not subject to a terminal disclaimer. Applicant submits that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 704. In particular, Applicant notes that a response to Missing Parts Notice and the two respective Office Action Responses were filed within the allotted time.

Also enclosed is a fee of \$200.00, as required by 37 C.F.R. 1.18(e). In the event that any additional fees are due in connection with filing this Petition, the Commissioner is hereby authorized to charge all required fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,  
HUNTON & WILLIAMS

Dated: Aug. 4, 2007

By: 

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**Attachment A: Prosecution Timeline**

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**PROSECUTION TIMELINE**

11/27/2000	Filing of New U.S. Patent Application;
03/22/2001	Assignment and Assignment Cover Sheet filed;
04/02/2001	<i>Filing Receipt; Notice of File Missing Parts of Application, (Foreign filing license granted for 03/30/2001);</i>
04/20/2001	Response to Notice of File Missing parts of Application, and Executed Joint Declaration;
04/27/2001	<i>Updated Filing Receipt;</i>
05/31/2001	<i>Notice of Recordation of Assignment Document;</i>
12/24/2003	<i>First Office Action (Non-Final) mailed, (696 days delay by USPTO);</i>
06/24/2004	Amendment and Petition for Three-Month Extension of Time filed, (92 days delay by Applicant)
11/05/2004	<i>Office Action mailed (Non-Final) mailed, (12 days delay by USPTO)</i>
05/05/2005	<i>Interview Summary from Examiner Scott M. Klinger indicating that a new Office Action would be mailed to replace Non-Final Rejection sent on November 5, 2004;</i>
06/03/2005	Statement of Substance of Interview filed;
02/22/2006	Communication to Examiner filed;
06/18/2006	Status Inquiry filed;

Attachment A

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12/21/2006	Further Request for Status Inquiry filed;
02/26/2007	<i>Interview Summary mailed;</i>
02/26/2007	<i>Mail Notice of Restarted Response Period</i>
03/26/2007	Response to Interview Summary and Amendment filed (Error made here - Applicant charged 779 days of delay when Period of Time should have been RESTARTED)
05/08/2007	<i>Notice of Allowance and Issue Fee Due.</i> <i>(Patent Term Adjustment indicated as 0 Days);</i>
08/06/2007	Submission of Issue Fee Payment, and Request for Reconsideration of Patent Term Adjustment.